

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

HELEN WRIGHT,

Plaintiff,

Case No. 14-cv-14327

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT, GRANTING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT, AND DISMISSING PLAINTIFF'S COMPLAINT**

On November 10, 2014, Plaintiff Helen Wright filed a Complaint appealing the determination by the Social Security Administration that she was not entitled to benefits. Compl., ECF No. 1. On February 20, 2015, Wright filed a motion for summary judgment. The Commissioner filed a motion for summary judgment on April 2, 2015. Wright's counsel was removed by an order of this court on November 18, 2015. Wright was given until December 21, 2015 to obtain new counsel or she would be deemed to be proceeding pro se. On January 5, 2016, Wright was deemed to be proceeding pro se.

Wright made no contact with the Court after her attorney was removed from the case. Accordingly, Magistrate Judge Patricia T. Morris, to whom the case was referred, ordered Wright to show cause by March 2, 2016 why her case should not be dismissed for want of prosecution. Wright did not respond.

On March 7, 2016, Judge Morris issued a report recommending that Wright's case be dismissed for failure to prosecute. *See* Rep. & Rec. 3–5, ECF No. 23. In the alternative, Judge

Morris determined that the ALJ's decision on Wright's application for Social Security benefits was supported by substantial evidence. *Id.* at 5–7. Thus, Wright's appeal from that decision was without merit. *Id.*

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 23, is **ADOPTED**.

It is further **ORDERED** that Plaintiff Helen Wright's motion for summary judgment, ECF No. 9, is **DENIED**.

It is further **ORDERED** that Defendant Commissioner's motion for summary judgment, ECF No. 12, is **GRANTED**.

It is further **ORDERED** that Plaintiff Helen Wright's Complaint, ECF No. 1, is **DISMISSED with prejudice** for failure to prosecute and because the ALJ's decision was supported by substantial evidence.

Dated: March 28, 2016

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 28, 2016.

s/Michael A. Sian
MICHAEL A. SIAN, Case Manager